

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

THE CLINCH COALITION, <i>et al.</i> ,)
)
Plaintiffs,)
)
v.)
) Case No. 2:21-cv-0003-JPJ-PMS
UNITED STATES FOREST SERVICE, <i>et al.</i> ,)
)
Federal Defendants,) PLAINTIFFS' THIRD MOTION TO
) COMPEL COMPLETION OF THE
and) ADMINISTRATIVE RECORD
)
AMERICAN LOGGERS COUNCIL, <i>et al.</i> ,)
)
Intervenor Defendants.)
)

**PLAINTIFFS' THIRD MOTION TO COMPEL COMPLETION OF THE
ADMINISTRATIVE RECORD**

Pursuant to Federal Rule of Civil Procedure 7 and Western District of Virginia Civil Rule 11, Plaintiffs Clinch Coalition, et al., (collectively, “Conservation Groups”) hereby renew their prior motions to order Defendant United States Forest Service (“Forest Service”) to complete the administrative record. As detailed in the accompanying brief, the Forest Service waived the attorney-client and work-product privileges for three documents (numbered 166, 167, and 219) because it failed to assert those privilege by the July 7, 2022 deadline and did not thereafter seek to modify that deadline. Plaintiffs ask the Court to again order these documents to be added to the administrative record in their entirety.

Plaintiffs have conferred with the government and Intervenors. Intervenors take no position on this motion.

Respectfully submitted this the 3rd day of November, 2023.

/s/ Sam Evans

Sam Evans
N.C. Bar No. 44992
J. Patrick Hunter
N.C. Bar No. 44485
Spencer Scheidt (*pro hac vice pending*)
N.C. Bar No. 57078
SOUTHERN ENVIRONMENTAL LAW CENTER
48 Patton Ave, Suite 304
Asheville, NC 28801-3321
Telephone: 828-258-2023
Facsimile: 828-258-2024
sevans@selcnc.org; phunter@selcnc.org;
sscheidt@selcnc.org

Kristin Davis
VA Bar No. 85076
SOUTHERN ENVIRONMENTAL LAW CENTER
120 Garrett St., Suite 400
Charlottesville, VA 22902-5613
Telephone: 434-977-4090
Facsimile: 434-977-1483
kdavis@selcva.org;

Counsel for Conservation Groups

CERTIFICATE OF SERVICE

I certify that on November 3, 2023, I electronically filed the foregoing PLAINTIFFS' THIRD MOTION TO COMPEL COMPLETION OF THE ADMINISTRATIVE RECORD with the Court using the CM/ECF system, which will notify all counsel of record.

/s/ Sam Evans

Sam Evans
Southern Environmental Law Center